

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

Criminal No. 07-455 (JNE/SRN)
ORDER

Steven Jay Novick,

Defendant.

This case is before the Court on a Report and Recommendation issued by the Honorable Susan Richard Nelson, United States Magistrate Judge, on May 21, 2008. The magistrate judge recommended denial of Defendant's Motion to Dismiss and Motion to Suppress. The magistrate judge further recommended denial of Defendant's Motion to Suppress Statements, Admissions, and Answers as moot. Defendant objected to the Report and Recommendation. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based upon its review, the Court notes its agreement with the magistrate judge that the exclusionary rule should not be extended to apply in the circumstances of this case, that is, circumstances in which a reporter was present and observed the search of Defendant's residence, and adopts the Report and Recommendation in its entirety. Therefore, IT IS ORDERED THAT:

1. Defendant's Motion to Dismiss [Docket No. 16] is DENIED.
2. Defendant's Motion to Suppress [Docket No. 18] is DENIED.
3. Defendant's Motion to Suppress Statements, Admissions, and Answers [Docket No. 12] is DENIED AS MOOT.

Dated: July 15, 2008

s/ Joan N. Erickson
JOAN N. ERICKSEN
United States District Judge